

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 8-16-2006

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
MALACHY A. COYLE, M.V.B	:	
License No.: 29VIO0180400	:	
	:	AMENDED FINAL ORDER
TO PRACTICE VETERINARY MEDICINE	:	OF DISCIPLINE
IN THE STATE OF NEW JERSEY	:	

This matter was initially opened to the New Jersey State Board of Veterinary Medical Examiners (hereinafter the "Board") upon receipt of six (6) consumer complaints concerning veterinary medical treatment rendered by the respondent Malachy A. Coyle, M.V.B., to six different dogs in November 2003, February, March, April, and October 2004, and July 2005. The complaints raise potentially serious allegations, including numerous acts of negligence and professional misconduct, failure to perform necessary examinations, failure to write prescriptions, the administration of incorrect dosages of medication and anesthesia and the failure to maintain adequate records.

Following its receipt of each of the consumer complaints, the Board requested that Dr. Coyle submit to it his original patient records and an explanation of the events surrounding the allegations contained in each specific complaint. In each

instance, the Board concluded that the respondent had failed to respond to the Board's inquiries timely as required by N.J.A.C. 13:45C-1.3.

The Board, taking note of Dr. Coyle's past history of failing to respond to Board inquiries which resulted in the imposition of discipline twice in September 1996 and March 1997, concluded that the respondent's failure to cooperate, in violation of N.J.A.C. 13:45C-1.3, warranted a substantial sanction. The Board entered a Final Order of Discipline subsequent to its issuance of a Provisional Order of Discipline. In the Provisional Order, the Board made preliminary findings of facts and conclusions of law which would become final unless respondent submitted information warranting further proceedings. The Order proposed suspending Dr. Coyle's veterinary medical license for a nine (9) month period of time.* The Final Order was issued and became effective June 21, 2006. [A copy of the Final Order is attached to this Order and made a part hereof.] Dr. Coyle applied to the Superior Court of New Jersey, Appellate Division, for, among other relief, an emergent stay of the suspension on or about July 31, 2006.

* The Final Order provided for a reduction in the suspension period, to a six (6) month license suspension followed by a three month probationary period, if Dr. Coyle cooperated and submitted to the Board the patient records and his explanation for the final complaint. As the records and explanation were thereafter submitted, the active suspension was reduced to six months.

A formal request for a stay of the Board's Final Order was never presented to the Board by respondent, as required by R. 2:9-5(b), yet respondent moved for an "emergent" stay in the Appellate Division, on August 1, 2006, more than a month from the effective date of the Final Order. The Court considered the emergent application and concluded that the Board's penalty of a six month license suspension was "grossly disproportionate" to Dr. Coyle's offenses, described by the Court as " . . . several late responses to the Board discovery requests." Thereafter, the Court, in its August 3, 2006 Order, vacated the license suspension and related probationary term and remanded the matter back to the Board for further proceedings relative to the consumer complaints. The Court specifically refrained from addressing the civil penalty which was not challenged in the Appellate Division. The penalty, totaling \$5,000.00, was imposed by the Board's initial Final Order for the violation of N.J.A.C. 13:45C-1.3.

Therefore, the Board, in light of the Appellate Division's ruling, concludes that the respondent's consistent failure to furnish the Board with the requested documents, as outlined in the Board's initial Final Order of Discipline in this matter, constitutes a failure to cooperate with investigations of the Board pursuant to N.J.A.C. 13:45C-1.3. This failure to cooperate consequently subjects the respondent to sanctions pursuant to N.J.S.A. 45:1-21(h), namely his failure to comply with

an act or regulation administered by the Board. The Board further considers that this is a final order of discipline addressed solely to the respondent's failure to cooperate with the Board as required by N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.3 and the Board reserves its authority to take action on the merits and substance of the submitted complaints.

IT IS, THEREFORE, ON THIS 14TH day of AUGUST 2006,

HEREBY ORDERED THAT:

1. The respondent, Malachy A. Coyle, M.V.B., is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000.00 for failing to cooperate with the Board's written requests for documents and responses to complaints in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.3.

2. The penalty shall be due and owing no later than ten (10) days from the entry of this Final Order. Payment shall be submitted by certified check or money order made payable to the State of New Jersey and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101.

3. Failure to comply with the provisions of this Order and timely remit the payment required by this Order will result in the filing of a Certificate of Debt and may result in subsequent

assigning proceedings on fallow in compliance with the order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President